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BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D-2006-64566

BARBARA JOAN FINLEY, PT
3215 Kensington Drive
El Dorado Hills, CA 95762

A C C U S A T I O N

Physical Therapist No. PT14964

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about March 3, 1998, the Physical Therapy Board issued Physical Therapist License Number PT14964 to Barbara Joan Finley ("Respondent"). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2007, unless renewed.

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3. This Accusation is brought before the Physical Therapy Board ("Board"),
 in violation of the following sections of the Business and Professions Code ("Code").

4. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Procedure Act, suspend for not more than 12 months, or revoke, or impose conditions upon, or issue subject to terms and conditions any license, certificate and under this chapter for any of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

5. Section 2239 of the Code provides in relevant part that the use of any
drugs, to the extent, or in such a manner as to be dangerous or injurious to the
any other person or to the public, or to the extent that such use impairs the ability
to practice medicine safely, or more than one misdemeanor involving the use, or
of alcohol constitutes unprofessional conduct.

6. Section 2661 states that “A plea of verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article.”

7. Section 2661.5 of the Code states in relevant part that:
“(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable

costs of investigation and prosecution of the case.”

FIRST CAUSE FOR DISCIPLINE

(Use of alcohol)

[Bus & Prof Code §§ 2660(i) and 2239]

7. Respondent is subject to disciplinary action under sections 2660(d), 2660(i) and 2239 of the code in that on or about January 30, 2004 respondent suffered a misdemeanor conviction for a violation of Vehicle Code section 23152(a) (Driving a vehicle while under the influence of alcohol in El Dorado County Court case number P04CRM00540 and was sentenced to serve two days in the county jail, ordered to pay a fine of \$2222.00, ordered to have a restricted drivers license for ninety days, and ordered to attend the First Offender drinking driver program.

The underlying circumstances were that on January 2, 2004, the respondent caused a traffic collision in that, she hit a small bridge off the right shoulder of south bound Bass Lake Rd. After respondent was stopped and arrested by CHP, she had a PAS result of .161/.151 and gave a breath sample with a blood alcohol level of .15/.15

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime)

[Bus & Prof Code §§ 2660(d) and 2661]

8. Complainant re-alleges paragraph 7, as if fully set forth at this point.

9. Respondent’s conviction of the misdemeanor driving while under the influence of alcohol charge constitutes a violation of section 2660(d) and 2661.

THIRD CAUSE FOR DISCIPLINE

(Conviction of a Crime)

[Bus & Prof Code §§ 2660(d) and 2661]

10. Respondent is subject to disciplinary action under sections 2660(d) of the code in that on or about July 11, 2005, respondent suffered a misdemeanor conviction for a violation of Vehicle Code section 20001(a) (Hit & Run) in El Dorado County, Court case Number P04CRM9071 and ordered to pay restitution and do 40 hours of community service.

The underlying circumstances where that on October 12, 2004, respondent rear ended another vehicle on east bound 50 at Latrobe Rd. and then fled the scene. On October 13,

1 2004, when a CHP officer located respondent at her home, she denied owing a Honda automobile

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3 and then she closed the door on the officer. Thereafter, respondent admitted to drinking on

4 October 13, 2004, but denied drinking on October 12, 2004.

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Physical Therapy Board issue a decision:

7 1. Revoking or suspending Physical Therapist License Number PT14964
8 issued to Barbara Joan Finley;

9 2. Ordering Barbara Joan Finley to pay the Physical Therapy Board the
10 reasonable cost of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 2661.5;

12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: March 12, 2007

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17 Original Signed By:
18 STEVEN K. HARTZELL
19 Executive Officer
20 Physical Therapy Board of California
21 Department of Consumer Affairs
22 State of California

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Complainant